

**MALABAR TOWN COUNCIL REGULAR MEETING  
AUGUST 6, 2007                      7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

**A.     CALL TO ORDER:**

The meeting was called to order at 7:30 pm by Mayor Eschenberg. The prayer and pledge were led by Council Member Bobbi Moccia.

**B.     ROLL CALL:**

MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	CHUCK McCLELLAND
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL (excused)
	BOBBI MOCCIA
	PAT DEZMAN
TOWN ADMINISTRATOR:	BONILYN WILBANKS-FREE
ATTORNEY:	KARL BOHNE
ASSISTANT TO THE BO:	DEBBY FRANKLIN
DEPUTY TOWN CLERK:	CINDI KELLEY

**C.     ADDITIONS/DELETIONS/CHANGES: None**

**D.     PRESENTATIONS - None**

**E     CONSENT AGENDA**

**1.     Approval of Minutes**

**Regular Council Meeting – 07/02/07**

**Regular Council Meeting – 07/16/2007**

**Special Town Council Meeting – 07/30/07**

**Budget Workshop – 08/02/07**

**Exhibit:**                      Agenda Report No. 1

**Recommendation:** Motion to approve

**MOTION: Borton/Moccia to approve the consent agenda. VOTE: All Ayes.**

**F.     STAFF REPORTS:**

ATTORNEY - nothing to report at this time.

ADMINISTRATOR

- Update on Architect Selection Committee actions

The committee met and did excellent job to find the next step; interviews for the three architects selected have been set up for Wednesday, August 15<sup>th</sup> at 3:00 pm. Once the interview is complete, the committee will rank the firms and bring it to Council.

- Update on quotes for Town Hall AC upgrade/repair

We have received no response for the a/c upgrades; it's a very bad time of the year. If Council would like, an RFP can be advertised or we can wait until October when the heat dissipates. Mrs. Dezman recommends an RFP be done now.

CLERK

- Candidate Qualifying August 17, 2007 to August 31, 2007

Ms. Kelley reported the time frame of Candidate Qualifying. Mayor Eschenberg advised there is an open seat and to put the word out. We need to fill Bobbi Moccia's seat.

**G. PUBLIC HEARINGS:****ORDINANCES – None****H. ACTION ITEMS****ORDINANCES – First Reading - None****RESOLUTIONS****2. Administrative Fee for Outstanding Lien Searches, RESO 14-2007**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2005-03 BY ADDING AN ADMINISTRATIVE FEE FOR OUTSTANDING LIEN SEARCHES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2  
Resolution 14-2007

**Recommendation:** Council action on resolution

Without objection, Mayor Eschenberg read by title only.

Debby Franklin stated this is a need that should be corrected. Staff does research on a daily basis at no charge; thought it necessary to have fees included in the resolution.

**MOTION: McClelland/Borton to approve Resolution 14-2007 as presented. The roll was called: Borton, McClelland, Moccia and Dezman - All Ayes.** Brian Vail was not present.

**3. Entering into a lease agreement with Riverside National Bank for a Wildland Fire Truck from PRIDE Enterprises, RESO 15-2007**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PERTAINING TO THE ACQUISITION OF A TYPE WILDLAND FIRE TRUCK FROM PRIDE ENTERPRISES; AUTHORIZING THE TOWN ENTER INTO A MUNICIPAL LEASE AGREEMENT WITH RIVERSIDE NATIONAL BANK TO PROVIDE THE FUNDS REQUIRED TO SECURE THIS ACQUISITION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Resolution 15-2007

**Recommendation:** Council action on resolution

Without objection, Mayor Eschenberg read by title only.

Mr. Bohne stated a few corrections need to be made. The date on the first page and signature page should reflect 2007; paragraph 19c should read Brevard County. If there is an "Exhibit B", he needs this for review.

**MOTION: McClelland/Moccia to approve Resolution 15-2007 with changes made by Mr. Bohne. The roll was called: Borton, McClelland, Moccia and Dezman – All Ayes.** Brian Vail was not present.

## MISCELLANEOUS

4. **Acceptance of Beehive Road**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Council action

**This should be listed as Beekeeper Road.** Mr. Bohne has done research; the Town collected \$14,000 to upkeep the road. The funds were returned to the depositor. Another person is asking to do the same; we are not bound to enter into a new

agreement to do the same as in the past and we don't have to accept a road maintenance agreement. Mrs. Borton asks what needs to be done to put this to bed. Mrs. Wilbanks-Free states that Council needs to say you don't want to do this. We have a master list of the approved streets. If the street is on the list, we do not charge to maintain it. Mayor Eschenberg asked for clarification. The Town accepted 1,350 feet and the agreement was broken when the funds were given back to the depositor and the improvements to the road were not done. Mr. Bohne advised this is correct.

**MOTION: McClelland/Dezman to not accept this contract at all. VOTE: All Ayes.**

This is unacceptable road for maintenance to be performed by the Town.

5. **Planning Service Agreement with Calvin, Giordano & Associates, Inc.**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Council action

Mayor Eschenberg gave comments regarding this contract. Mr. Bohne also stated his comments and advised Council that he has started a re-write. There was discussion between Council, the Attorney and staff regarding how Council wants the contract to read. Council is asking to receive a hard and soft copy of the documents prepared. Mr. Bohne stated since the Town is paying for the services, we should have this; the contract, as written now, reads that the planning company will own the information. Mrs. Wilbanks-Free stated she has never had the attorney re-write the contract; the planning company is fine with Mr. Bohne writing the contract. The date and times need to be listed in the contract as well. Mr. Bohne state he is preparing a spread sheet to show this information.

**MOTION: Dezman/Moccia to table. VOTE: All Ayes.**

6. **Approval of the Proposed Organizational Chart**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Council action

Following the last RTCM, the Town Administrator and Mayor went over the organizational chart and made changes to the duty assignments. Mrs. Wilbanks-Free stated that we are looking into out-sourcing the closing of the monthly books to a governmental accounting firm. The Mayor, in his report, will provide Council with information regarding this situation.

**MOTION: Moccia/Dezman to approve the proposed chain of command with revisions made.**

Mrs. Dezman asks if this new organizational chart is in line with our charter. Mayor Eschenberg states that it is; the charter states that the attorney and the clerk work for Council. It says nothing about the Town Administrator.

**VOTE: All Ayes.**

Mrs. Wilbanks-Free requested approval to move forward with an RFP for the governmental accounting firm. She also requests that Council approves removing the organizational chart from the employee manual and placing it within the budget. Mr. Bohne stated a resolution would be needed to perform this duty.

**7. Graded Road Rating**

**Exhibit:** Agenda Report No. 7

**Recommendation:** Discussion and direction by Town Council

Mrs. Wilbanks-Free advised Council that Mr. Beatty has prepared a listing of the roads with a grade rating, which was provided to Council. There was discussion of the rating and the road listing between Council and staff. Mrs. Moccia and Mrs. Dezman stated the road that are showing as "C" and "D" should be taken care of first; we should not have any roads with these two ratings. All roads should be at least a "B" rating. Mrs. Moccia stated that people who have no millings should be taken care of before upgrading the roads with millings already there. She is satisfied with the listing from Mr. Beatty; it just needs to show the distinction between north, south, east and west. Mrs.

Dezman stated the order of repairs should be done in A, B C order. Mrs. Moccia doesn't feel any of the roads are "A's"; this would be a second coat applied to the road. Mrs. Wilbanks-Free stated a spread sheet will be formatted with the listing laid out; does Council which to select the order of the work? Council was also advised that the Town is responsible for placing and spreading the millings; a resident cannot spread them.

**MOTION: Dezman/Borton to accept the grading rating as it is for now until such time we are told we need to amend our rating. VOTE: All Ayes.**

**I. DISCUSSION ITEMS****J. MAYOR AND COUNCIL REPORTS**

**Moccia**-last Friday she went to Indialantic and received another 30 plants from Mr. Ward. They have been planted in Fern Creek Crossing. Mr. Ward advised he will give more plants to the town for this park. Mrs. Ritter has asked that we move forward with the fencing project at Fern Creek Crossing; the Boy Scouts will do the work and find all the volunteers needed. The Town needs to find the funds for this project.

**Dezman**-school starts for her on August 20<sup>th</sup> and she will not be present for the RTCM.

**McClelland**-advised Council that Bill Marshall passed way; the funeral is tomorrow. He provided a brief history of Mr. Marshall and what he has done for the Town.

Mr. McClelland made mention to Ms. Franklin, prior to this meeting, the large tanks that are now at the church site on S. Marie Street. Ms. Franklin advised Council that construction has ceased on this project until they fire protection plan has been submitted and approved for this building. They submitted a dry hydrant plant but it was rejected. They are now trying for a storage tank system. It is very unusual for the plans and the tanks to be received at the same time; the tanks have not been approved by the Town or the Fire Marshal.

**Borton**-received a call from a concerned constituent regarding the disrepair of US #1 after the 2004 hurricane season. Ms. Franklin stated that we have not had a Building Official for some time; this will be something that is looked at and addressed. Mrs. Borton is hoping to get Council to set some time for site assistance for the new town hall.

**Mayor**-received a call regarding the Valkaria Airport and referred the person to Mrs. Moccia. Mrs. Moccia gave Council a brief overview of her appointment to the board. She will be appointed once the County feels she has a grasp of what is happening there. Mayor Eschenberg stated the County has an ordinance in place that states Malabar is to be represented.

Mayor Eschenberg was at a meeting in Orlando and saw Frank Hickson. They discussed Malabar Road becoming a four-lane road. Mr. Hickson stated he would check into this and he provided information to the Mayor; this information has been provided to Council.

In regards to the road, he has seen the same situation that has taken place with the east side of Corey Road which is now Beekeeper Road. Waring Lane off of Hall Road is not passable. Staff may need to consider naming this road so that the emergency vehicles have access to this area; not sure we can get through at Atz Road.

Mayor Eschenberg spoke of the Fall Fest and the possibility of not being able to have it this year. He asked Ms. Kelley to speak on this matter. Ms. Kelley advised that due to the time it takes to put an event together, a member of the committee reviewed the information to see if she could head up the event. Town staff would be available for questions and some assistance, but could not put a lot of time as is spent on the Springfest. Ms. Kelley received word that without her assistance Mrs. Kemmler would not be able to do this. Mayor Eschenberg, with Bryan Eriksen in attendance this evening, asked if the Corporation could help with this. Mr. Eriksen stated he would get with Ms. Kelley and the

Corporation and then advised back to Ms. Kelley. If this is going to happen, we need to start working on it as time is running out and the fiscal year is coming to an end; supplies need to be ordered.

Mayor Eschenberg was asked by Mrs. Kabana to advised Council that she is ill again; her future is not certain. Mrs. Dezman asked what is needed from the Town. Mrs. Wilbanks-Free advised that a plan of action has not been made as of yet; there will be doctor appointments. Once this is established, a meeting with the Town Administrator will take place to see what needs to be done. It is very possible that Mrs. Kabana will go from full-time to part-time status. Mrs. Kabana concurs with the out-sourcing of the monthly book closings Mrs. Dezman asks that Mrs. Wilbanks-Free contact Brian Vail to apprise him of the situation.

**K. PUBLIC COMMENTS: GENERAL ITEMS**

**L. ADJOURNMENT:**

There being no further discussion, MOTION: Dezman/Borton to adjourn meeting. VOTE: All Ayes. This meeting adjourned at 9:00 pm.

BY: \_\_\_\_\_  
Mayor Thomas Eschenberg, Chair

ATTEST:

\_\_\_\_\_  
Cindi Kelley, Deputy Town Clerk      Date